

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE	)	Chapter 7
	)	
MICHAEL S. HELMSTETTER,	)	Case No. 19 – 28687
	)	
Debtor.	)	Hon. Jacqueline P. Cox
	)	
	)	Hearing Date and Time:
	)	September 22, 2020 at 1:00 pm

**NOTICE OF ROUTINE MOTION**

TO: Attached Service List

**PLEASE TAKE NOTICE THAT** on September 22, 2020, at 1:00 p.m., I shall appear before the Honorable Jacqueline P. Cox, or any other judge sitting in her stead, and request a hearing on the Chapter 7 Trustee's Routine Motion to Enter Order Extending Time to File Adversary Complaint Objecting to Discharge, a copy of which is attached hereto and thereby served upon you.

**This motion will be presented and heard telephonically.** No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at [www.CourtSolutions.com](http://www.CourtSolutions.com) or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, hereby state that pursuant to Section II, B, 4 of the Administrative Procedures for the Case Management/Electronic Case Filing System, I caused a copy of the foregoing NOTICE OF MOTION and MOTION to be served on all persons set forth on the attached Service List identified as Registrants through the Court's Electronic Notice for Registrants and, as to all other persons on the attached Service List by mailing a copy of same in an envelope properly addressed and with postage fully prepaid and by depositing same in the U.S. Mail, Chicago, Illinois, on 9<sup>th</sup> day of September, 2020.

\_\_\_\_\_  
/s/ Gregory K. Stern  
Gregory K. Stern

Gregory K. Stern (Atty. ID #6183380)  
Monica C. O'Brien (Atty. ID # 6216626)  
Dennis E. Quaid (Atty. ID #02267012)  
Rachel S. Sandler (Atty. ID #6310248)  
53 West Jackson Boulevard, Suite 1442  
Chicago, Illinois 60604  
(312) 427-1558

## **SERVICE LIST**

### **Registrants Served Through The Court's Electronic Notice For Registrants**

Patrick S. Layng  
Office of the U.S. Trustee, Region 11  
219 South Dearborn Street, Room 873  
Chicago, Illinois 60604

David R. Herzog  
Herzog & Schwartz PC  
77 West Washington Street  
Suite 1400  
Chicago, Illinois 60602

Richard L Hirsh  
1500 Eisenhower Lane  
Suite 800  
Lisle, IL 60532

Debra Devassy Babu  
Askounis & Darcy, PC  
444 North Michigan Avenue  
Suite 3270  
Chicago, Illinois 60611

Jamie L Burns  
Levenfeld Pearlstein, LLC  
2 North LaSalle Street  
Suite 1300  
Chicago, Illinois 60602

Whitman H. Brisky  
Mauck & Baker LLC  
1 North LaSalle Street  
Suite 600  
Chicago, Illinois 60602

### **Parties Served By United States Mail**

Michael S. Helmstetter  
PO Box 1092  
Safety Harbor FL 34695

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
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IN RE	)	Chapter 7
	)	
MICHAEL S. HELMSTETTER,	)	Case No. 19 – 28687
	)	
Debtor.	)	Hon. Jacqueline P. Cox

**MOTION TO EXTEND TIME TO FILE OBJECTIONS TO DISCHARGE**

Now comes N. Neville Reid, Chapter 7 Trustee (the ‘Trustee’), by and through his attorneys, Gregory K. Stern, Monica C. O'Brien, Dennis E. Quaid and Rachel S. Sandler, and in support of his Motion to Extend Time to File Objections to Discharge, states as follows:

1. On October 9, 2019, Michael S. Helmstetter (the “Debtor”) caused a Voluntary Petition for relief under Chapter 7 of the United States Bankruptcy Code to be filed; and David R. Herzog (the “Trustee”) was appointed as trustee in this case.

2. The Debtor’s meeting of creditors, pursuant to 11 U.S.C. § 341, was initially scheduled and held on November 15, 2019, and was continued to January 6, 2020.

3. The Debtor’s Chapter 7 Schedules reflect extensive assets and business interests, including but not limited to bank accounts, equity interests in automobile dealerships, reinsurance companies and other entities, tax refunds and causes of action having a scheduled value of \$8,414,579.67.

4. The Debtor’s Chapter 7 Schedules reflect priority unsecured debt of \$888,338.81 and non-priority unsecured debt of \$5,607,106.87.

5. The original deadline for the Trustee to file objections to discharge is on or before January 14, 2020. Subsequently, December 4, 2019 and June 23, 2020, orders were entered extending the deadline to file objections to discharge pursuant to 11 U.S.C. § 727 to June 30, 2020

and September 30, 2020, respectively.

6. On March 17, 2020, an Order Granting Leave for 2004 Examination of the Debtor (the “2004 Order”) was entered which ordered and directed the Debtor to produce documents requested by the Trustee on or before April 7, 2020. While the Debtor did produce some documents to the Trustee on April 13, 2020, the production was woefully deficient.

7. While the Debtor retained new counsel in May 2020, who has been working to organize and produce the documents requested by the Trustee, the production remains deficient. The Trustee stating further that Debtor’s counsel has advised that more than 5000 pages of documents will be produced to the Trustee.

8. The Trustee needs additional time (a) to allow the Debtor to complete his production of documents; (b) to review the documents produced by the Debtor; (c) to take the oral examination of the Debtor; and (d) to determine whether facts exist to support the filing of an adversary complaint objecting to the Debtor’s discharge pursuant to 11 U.S.C. §727. Accordingly, the Trustee requests an extension of the deadline to file objections to discharge pursuant to 11 U.S.C. § 727 up to and including November 30, 2020.

WHEREFORE, the Trustee prays for entry of an Order extending the time to file an adversary complaint objecting to discharge under 11 U.S.C. § 727 to November 30, 2020; and, for such other further relief as this Court deems just.

/s/ Gregory K. Stern

Gregory K. Stern, Attorney For Trustee

Gregory K. Stern (Atty. ID #6183380)  
Monica C. O'Brien (Atty. ID # 6216626)  
Dennis E. Quaid (Atty. ID #02267012)  
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